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By: **Delegate Marriott**

Introduced and read first time: February 27, 2004

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Assistance - Transitional Emergency Medical and Housing Assistance**

3 FOR the purpose of establishing the Transitional Emergency Medical and Housing  
4 Assistance Program as a State-funded assistance program for temporarily  
5 needy residents who are unable to maintain gainful employment due to a  
6 medically verified condition lasting for a certain period; establishing that the  
7 Program shall be administered by local departments of social services in  
8 conformity with certain regulations; requiring the Social Services  
9 Administration to adopt certain regulations; requiring certain support to be  
10 regarded as a potential resource and evaluated in a certain manner; requiring  
11 an individual to provide written medical verification of a condition lasting for at  
12 least a certain period that prevents the individual from maintaining gainful  
13 employment; prohibiting the Social Services Administration from considering  
14 certain items as income or as a potential resource for certain purposes;  
15 prohibiting an applicant from assigning or transferring property for a certain  
16 purpose for a certain period; establishing that the Program is subject to certain  
17 funding availability; prohibiting the Social Services Administration from  
18 submitting an itemized estimate to the Governor that is less than a certain  
19 amount; prohibiting the Governor from reducing a certain appropriation for the  
20 Program below a certain amount; requiring that a certain individual assistance  
21 level is at least a certain amount; altering a certain definition; making stylistic  
22 changes; and generally relating to the Transitional Emergency Medical and  
23 Housing Assistance Program.

24 BY repealing and reenacting, with amendments,  
25 Article 88A - Department of Human Resources  
26 Section 64 and 66  
27 Annotated Code of Maryland  
28 (2003 Replacement Volume)

29 BY adding to  
30 Article 88A - Department of Human Resources  
31 Section 65B  
32 Annotated Code of Maryland

1 (2003 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article 88A - Department of Human Resources**

5 64.

6 (A) As used in this subtitle, "State Department" means the State Department  
7 of Social Services created under this article.

8 (B) "Local units" means the local departments of social services in the counties  
9 and in Baltimore City created or continued under the provisions of § 13 of this article,  
10 and any amendments thereto or supplements thereof.

11 (C) "County" shall be construed to include the City of Baltimore, unless  
12 otherwise specified or unless the context clearly indicates otherwise.

13 (D) "Applicant" means a person who has applied for assistance under this  
14 subtitle.

15 (E) "Recipient" means a person who is receiving, or who at any time has  
16 received, assistance under the terms of this subtitle.

17 (F) "Assistance" means money payments to needy individuals under THE  
18 TRANSITIONAL EMERGENCY MEDICAL AND HOUSING ASSISTANCE, the general public  
19 assistance, or public assistance to adults programs and payments necessary for  
20 services for these individuals.

21 (G) "Supplementary services" means services other than money payments to  
22 needy individuals, including payments toward funeral expenses of such individuals as  
23 provided in this article, and in the case of a recipient without a legal guardian or  
24 person legally responsible for his support means the placement of such recipient in a  
25 suitable home or institution with the recipient's consent.

26 65B.

27 (A) THERE IS A TRANSITIONAL EMERGENCY MEDICAL AND HOUSING  
28 ASSISTANCE PROGRAM.

29 (B) THE SOCIAL SERVICES ADMINISTRATION SHALL ESTABLISH, IMPLEMENT,  
30 AND, AS NECESSARY, MODIFY THE PROGRAM TO PROVIDE STATE-FUNDED  
31 ASSISTANCE PAYMENTS TO RESIDENTS OF THE STATE WHO ARE TEMPORARILY  
32 NEEDY, BUT NOT ELIGIBLE FOR OTHER STATE OR FEDERAL ASSISTANCE, AND WHO  
33 ARE UNABLE TO MAINTAIN GAINFUL EMPLOYMENT DUE TO A MEDICALLY VERIFIED  
34 CONDITION LASTING AT LEAST 3 MONTHS.

1 (C) THE PROGRAM SHALL BE IN EFFECT IN ALL POLITICAL SUBDIVISIONS OF  
2 THIS STATE AND SHALL BE ADMINISTERED BY THE LOCAL UNITS IN CONFORMITY  
3 WITH REGULATIONS OF THE SOCIAL SERVICES ADMINISTRATION.

4 (D) (1) THE SOCIAL SERVICES ADMINISTRATION SHALL ADOPT  
5 REGULATIONS TO CARRY OUT THE PROGRAM.

6 (2) ELIGIBILITY AND ALL OTHER REQUIREMENTS NOT SET FORTH IN  
7 THIS SUBTITLE SHALL BE ESTABLISHED BY REGULATIONS OF THE SOCIAL SERVICES  
8 ADMINISTRATION.

9 (E) SUPPORT FROM CHILDREN SHALL BE REGARDED AS A POTENTIAL  
10 RESOURCE AND EVALUATED AS TO AMOUNT AND AVAILABILITY, AS DETERMINED BY  
11 REGULATIONS OF THE SOCIAL SERVICES ADMINISTRATION.

12 (F) (1) IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THIS SECTION,  
13 AN INDIVIDUAL SHALL PROVIDE, IN WRITING, MEDICAL VERIFICATION OF A  
14 CONDITION LASTING AT LEAST 3 MONTHS AND PREVENTING THE INDIVIDUAL FROM  
15 MAINTAINING GAINFUL EMPLOYMENT.

16 (2) THE SOCIAL SERVICES ADMINISTRATION MAY NOT CONSIDER  
17 IN-KIND CONTRIBUTIONS OR THE AMOUNT OF FOOD STAMPS AS INCOME OR AS A  
18 POTENTIAL RESOURCE IN DETERMINING:

19 (I) AN INDIVIDUAL'S ELIGIBILITY FOR ASSISTANCE; OR

20 (II) THE AMOUNT OF ASSISTANCE THAT AN INDIVIDUAL RECEIVES.

21 (G) AN APPLICANT MAY NOT MAKE AN ASSIGNMENT OR TRANSFER OF  
22 PROPERTY FOR THE PURPOSE OF RENDERING THE APPLICANT ELIGIBLE FOR  
23 ASSISTANCE UNDER THIS SECTION AT ANY TIME WITHIN 3 YEARS IMMEDIATELY  
24 PRIOR TO THE FILING OF APPLICATION FOR ASSISTANCE OR THE RECEIPT OF  
25 ASSISTANCE UNDER THIS ARTICLE.

26 (H) (1) THE PROGRAM IS SUBJECT TO THE AVAILABILITY OF FUNDING AS  
27 PROVIDED IN THE STATE BUDGET, BUT THE SOCIAL SERVICES ADMINISTRATION MAY  
28 NOT SUBMIT TO THE GOVERNOR AN ITEMIZED ESTIMATE FOR THE PROGRAM THAT IS  
29 LESS THAN THE AVERAGE NUMBER OF PROGRAM RECIPIENTS IN THE 6 MONTHS  
30 PRIOR TO SUBMISSION OF THE ESTIMATE MULTIPLIED BY THE INDIVIDUAL  
31 ASSISTANCE LEVEL ESTABLISHED IN § 66 OF THIS SUBTITLE.

32 (2) THE GOVERNOR MAY NOT REDUCE THE APPROPRIATION FOR THE  
33 PROGRAM IN THE STATE BUDGET BILL BELOW THE LEVEL OF FUNDING  
34 ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION.

35 66.

36 (A) The Social Services Administration by rule and regulation shall adopt  
37 standards concerning the amount of assistance individuals shall receive under the  
38 provisions of this subtitle.

1 (B) The amount of assistance which any recipient shall receive shall be  
2 determined by the local unit with due regard to the available resources and necessary  
3 expenditures of the individual and the conditions existing in each case, and shall be  
4 sufficient, when added to all other income and support available to the recipient to  
5 provide such person with a reasonable subsistence compatible with decency and  
6 health.

7 (C) THE INDIVIDUAL ASSISTANCE LEVEL, WHICH GOVERNS THE AMOUNT OF  
8 ASSISTANCE THAT A RECIPIENT SHALL RECEIVE UNDER THE TRANSITIONAL  
9 EMERGENCY MEDICAL AND HOUSING ASSISTANCE PROGRAM UNDER § 65B OF THIS  
10 SUBTITLE, SHALL BE AT LEAST \$185 PER MONTH.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2004.